

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JOSHUA SHUMAN</b> , a minor by and	:	
through his mother and natural guardian	:	
<b>TERESA SHERTZER, and TERESA</b>	:	
<b>SHERTZER</b> , individually	:	<b>CIVIL ACTION NO. 02-CV-3594</b>
	:	
<b>Plaintiffs,</b>	:	
<b>v.</b>	:	
	:	<b>(GARDNER)</b>
<b>PENN MANOR SCHOOL DISTRICT,</b>	:	
<b>PENN MANOR SCHOOL BOARD,</b>	:	
<b>GARY B. CAMPBELL</b> , individually and as	:	
Superintendent of the Penn Manor	:	
School District,	:	
<b>AND</b>	:	
<b>DONALD STEWART</b> , individually and as	:	
Acting Superintendent of the Penn Manor	:	
School District	:	
<b>AND</b>	:	
<b>JANICE M. MINDISH</b> , individually and as	:	
Principal of Penn Manor High School,	:	
<b>AND</b>	:	
<b>BRIAN D. BADDICK</b> , individually and as	:	
Assistant Principal of Penn Manor High	:	
School,	:	
<b>AND</b>	:	
<b>PHILIP B. GALE</b> , individually and as Dean	:	
of Students of Penn Manor High School,	:	
<b>AND</b>	:	
<b>CAROLE FAY</b> , individually and as a teacher	:	
and Agriculture Coordinator at Penn Manor	:	
High School	:	
	:	
<b>Defendants.</b>	:	

**DEFENDANTS, PENN MANOR SCHOOL DISTRICT, PENN MANOR SCHOOL  
BOARD, DONALD STEWART, JANICE M. MINDISH, BRIAN D. BADDICK, PHILIP  
GALE, AND CAROLE FAY'S PROPOSED VOIR DIRE**

The Defendants, Penn Manor School District, Penn Manor School Board, Donald Stewart, Superintendent of the Penn Manor School District, Janice M. Mindish, Principal of Penn Manor High School, Brian D. Baddick, Assistant Principal of Penn Manor High School, Philip Gale, Assistant Principal of Penn Manor High School, and Carole Fay, teacher and

Agriculture Coordinator at Penn Manor High School (hereinafter sometimes collectively referred to as "Defendants"), present the following Proposed Voir Dire:

**VOIR DIRE QUESTIONS**

1. [a] Are you or any member of your immediate family personally acquainted with counsel (or their law firms), the parties or any witness in this case?  
[b] Are you or any member of your immediate family related by blood or marriage to counsel, the parties or any witness in this case?  
[c] Have you or any member of your immediate family had business dealings with counsel (or their law firms), the parties or any witness in this case?  
[d] Are you or any member of your immediate family presently employed by, or were you or any member of your immediate family formerly employed by, counsel or the parties?  
[e] Are you or any member of your immediate family related by blood or marriage to any of the following witnesses? [HAVE COUNSEL READ THEIR WITNESS LISTS.]
2. Have you ever served as a juror before today in either the federal or state court system? If yes, were you a juror in a criminal or civil case or as a member of a grand jury? If a civil case, please describe the nature of the case and its result.
3. Have you or any member of your immediate family ever participated in a lawsuit? If yes, in what capacity did you participate - as a witness? Party? And what type of lawsuit was it?
4. If you are selected to be a juror in this case, will you be able to render a verdict solely on the evidence presented at trial and in the context of the law as the Court gives it to you in its instructions, disregarding any other ideas, notions or beliefs about the law which you may have encountered in reaching a verdict?

5. Counsel has estimated this trial to run approximately 3 to 4 days, to be completed on March 18, 2004. Does this schedule present any special problems for anyone?
6. Do you have any special condition or situation which would make it difficult or impossible for you to serve as a member of the jury in this case?
7. This case involves Teresa Shertzer, her son Joshua Shuman and the Penn Manor School District. Has anyone heard anything about this case prior to today?
8. Do you or any member of your immediate family reside in the Penn Manor School District?
9. Have you or any members of your immediate family ever worked for any of the parties in this case? If so, please describe the nature of your employment, the duties involved and the period of time during which this work was performed.
10. Have you or any members of your immediate family ever worked in a school district? If so, please describe the nature of your employment, the duties involved and the period of time during which this work was performed.
11. Do you or any members of your immediate family had any education, training or experience in the area of civil rights?
12. Have you or any members of your immediate family had any legal or paralegal training?
13. Have you or any members of your immediate family ever brought a civil rights action against a federal, state or local government entity, official or employee? If yes, please give a brief description of the nature of the action.
14. Have you or any members of your family ever brought a lawsuit in court or before an administrative agency against a school? If yes, please give a brief description of the nature of the action.

15. Would any of you have difficulty applying the Court's instructions regarding the applicable law in this case even if you personally disagree with those instructions?
16. Is there any reason that you would not want someone with your state of mind on your jury?
17. Having heard the questions put to you by the court, do you know of any other reason why you could not sit on this jury and render a fair verdict based on the evidence presented and in the context of the Court's instructions on the law?

Respectfully submitted:

SWEET, STEVENS, TUCKER & KATZ LLP

Date: February 9, 2004

By: /s/ Jason R. Wiley

Jason R. Wiley, Esquire, Atty I.D. #79478  
331 Butler Avenue, P.O. Box 5069  
New Britain, Pennsylvania 18901  
215-345-9111  
215-348-1147 – Facsimile

Attorney for Defendants  
Penn Manor School District, Penn Manor School Board, Gary B. Campbell, Donald Stewart, Janice M. Mindish, Brian D. Baddick, Philip Gale, and Carole Fay.

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	:	<b>CIVIL ACTION NO. 02-CV-3594</b>
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<b>v.</b>	:	
	:	<b>(GARDNER)</b>
<b>PENN MANOR SCHOOL DISTRICT,</b>	:	
<b>PENN MANOR SCHOOL BOARD,</b>	:	
<b>GARY B. CAMPBELL</b> , individually and as Superintendent of the Penn Manor School District,	:	
<b>AND</b>	:	
<b>DONALD STEWART</b> , individually and as Acting Superintendent of the Penn Manor School District	:	
<b>AND</b>	:	
<b>JANICE M. MINDISH</b> , individually and as Principal of Penn Manor High School,	:	
<b>AND</b>	:	
<b>BRIAN D. BADDICK</b> , individually and as Assistant Principal of Penn Manor High School,	:	
<b>AND</b>	:	
<b>PHILIP B. GALE</b> , individually and as Dean of Students of Penn Manor High School,	:	
<b>AND</b>	:	
<b>CAROLE FAY</b> , individually and as a teacher and Agriculture Coordinator at Penn Manor High School	:	
	:	
<b>Defendants.</b>		:

**CERTIFICATE OF SERVICE**

I, Jason R. Wiley, Esquire, hereby certify that the attached Defendants, Penn Manor School District, Penn Manor School Board, Donald, Janice M. Mindish, Brian D. Baddick, Philip Gale, and Carole Fay's Proposed Voir Dire was served *via* first class mail, upon the following:

Deirdre A. Agnew, Esquire  
Goshen Executive Center, Bldg 400A  
1450 East Boot Road  
West Chester, Pennsylvania 19380

SWEET, STEVENS, TUCKER & KATZ LLP

Date: February 9, 2004

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